

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

MARCO CONTRACTORS, INC.,)	
)	
Plaintiff,)	
)	
v.)	2:20-CV-237-NR
)	
CITIZENS FINANCIAL GROUP, INC.,)	
d/b/a CITIZENS BANK,)	
)	
Defendant.)	

ORDER

Before the Court is Defendant Citizens Bank’s motion for summary judgment (ECF 111), arguing that Marco’s claims are barred by the parties’ Business Deposit Account Agreement (“BDAA”). Marco, for its part, contends that summary judgment is premature because additional discovery is needed. ECF 111. After reviewing the parties’ arguments, the limited record submitted to the Court, and the relevant caselaw, the Court concludes that the record is insufficiently developed, such that summary judgment is not appropriate at this juncture. *Doe v. Abingdon Friends Sch.*, 480 F.3d 252, 258 (3d Cir. 2007) (“A Court is obligated to give a party opposing summary judgment an adequate opportunity to obtain discovery. ... If discovery is incomplete in any way material to a pending summary judgment motion, a district court is justified in not granting the motion.”) (cleaned up).¹

¹ For example, Citizens Bank’s motion rests on the language of the BDAA, but Marco argues that the BDAA may have been amended in material ways and that discovery is needed on that subject.

While the Court appreciates the attempts of the parties and Special Master to streamline the case, the Court will now require the parties to complete fact discovery, and will then re-set the deadline for filing or re-filing of summary-judgment motions after the completion of fact discovery.

The motion is therefore **DENIED**, without prejudice, and the parties are **ORDERED** to complete fact discovery before presenting any renewed motions for summary judgment. The parties are **FURTHER ORDERED** to confer with the Special Master as to resolving any discovery disputes and finalizing a proposed schedule for the completion of fact discovery.

DATE: December 15, 2022

BY THE COURT:

/s/ J. Nicholas Ranjan
United States District Judge